

रजिस्टर्ड नं० एस० एम० १४



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बोरवार, ५ अगस्त, १९७६/१४ श्रावण, १८९८

GOVERNMENT OF HIMACHAL PRADESH

LAW DEPARTMENT

NOTIFICATIONS

Simla-171002, the 4th August, 1976

No. 6-21/73-LR.—The Public Gambling (Himachal Pradesh Amendment) Bill, 1975 (Bill No. 19 of 1975) after having received the assent of

the President of India on the thirtieth July, 1976, is hereby published in the Rajpatra, Himachal Pradesh, as Act No. 30 of 1976.

M. C. PADAM,
Under Secretary.

Act No. 30 of 1976.

**THE PUBLIC GAMBLING (HIMACHAL PRADESH
AMENDMENT) ACT, 1976**

AN

ACT

to amend the Public Gambling Act, 1867 (Central Act No. III of 1867), in its application to the State of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Public Gambling (Himachal Pradesh Amendment) Act, 1976.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall come into force at once.

2. For the definition of "Common gaming-house" in section 1 of the Public Gambling Act, 1867 (hereinafter referred to as the principal Act) the following definitions shall be deemed to be substituted, namely:—

Amendment
of section 1.

"Gaming" includes wagering or betting on any figures or numbers or dates to be subsequently ascertained or disclosed, or on the occurrence or non-occurrence of any natural event, or in any other manner whatsoever except wagering or betting upon a horse race, when such wagering or betting upon a horse race take place:—

(a) on the day on which such race is to be run, and

(b) in an enclosure which the stewards controlling such race have, with the sanction of the State Government, set apart for the purpose, but does not include a lottery;

'Instrument of gaming' includes any article used as a means or an appurtenance of, or for the purpose of carrying on or facilitating gaming, and any document used as a register or record or evidence of any gaming and, in particular, *satta* papers, that is to say, any document wherein may be recorded any words and/or figures evidencing bets and used or intended to be used for or in connection with gaming;

Explanation.—If any document is recovered from the possession of any person containing words and, or figures, which *prima facie* appear to evidence bets, it shall be presumed that the words and figures evidence bets and the document was used or intended to be used for gaming, unless the person aforesaid proves to the contrary;

'Common gaming-house' means any house or room or tent or enclosure or vehicle or vessel or any place whatsoever in which any instruments of gaming are kept or used for gaming purposes:—

(a) with a view to the profit or gain of any person owning, occupying, or keeping such house, room, tent, enclosure, vehicle, vessel or place whether by way of charge for the use of such house, room, tent, enclosure, vehicle, vessel, place or instrument or otherwise howsoever,

(b) with or without a view to such profit or gain if the gaming for the purpose of which such instruments are so kept or used in gaming on any figures or numbers or dates to be subsequently ascertained or disclosed, or on the occurrence or non-occurrence of any natural event."

Amendment
of section 2.

3. For the first paragraph of section 2 of the principal Act, the following paragraph shall be deemed to be substituted, namely:—

"Sections 13 and 17 of this Act shall extend to the whole of the State of Himachal Pradesh, and it shall be competent to the State Government, whenever it may think fit, to extend by a notification to be published in the Official Gazette, all or any of the remaining sections, of this Act to any area within the territory of Himachal Pradesh."

Amendments
of section 3,
4, 5, 6 and
10.

4. In sections 3, 4, 5, 6, and 10 of the principal Act, for the words "house, walled enclosure, room or place" wherever they occur the words "house, room, tent, enclosure, vehicle, vessel or place", shall be deemed to be substituted.

Insertion of
new section
4-A.

5. After section 4 of the principal Act, the following section shall be inserted, namely:—

"4-A. *Enhanced punishment if offence under sections 3 or 4 relates to gaming with figures etc.*—Where an offence committed by any person under section 3 or section 4 relates to gaming on any figures or numbers or dates to be subsequently ascertained or disclosed, such person shall, notwithstanding anything contained in those sections,—

(a) in the case of an offence under section 3, be liable to fine not exceeding one thousand rupees, or to imprisonment of either description for a term not exceeding one year, or to both; and

(b) in the case of an offence under section 4, be liable to fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding six months, or to both."

Repeal of
section 12.

6. Section 12 of the principal Act shall be deemed to be repealed.

Substitution
of section
13 and
insertion
of new
section 13-A
and 13-B.

7. For section 13 of the principal Act, the following sections shall be substituted, namely:—

"13. *Penalty for gaming in public street, etc.*—Whoever is found gaming in any public street, place or thoroughfare or setting any bird or any animal to fight in any such street, place or thoroughfare shall be punishable with fine not exceeding fifty rupees or with imprisonment of either description for a term not exceeding one month.

13-A. *Enhanced punishment if offence under section 13 relates to gaming with figures. etc.*—Where an offence committed by any person under section 13 relates to gaming on any figures or numbers or dates to be subsequently ascertained or disclosed, such persons shall, notwithstanding anything contained in that section, be liable to fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding six months, or to both.

13-B. *Power to arrest without warrant.*—Any police officer may arrest without a warrant any person committing in his view any offence made punishable by section 13 or section 13-A.”

8. For section 15 of the principal Act, the following section shall be deemed to be substituted and after section 15 so substituted the following new section, shall be inserted, namely:—

Substitu-
tion of
section 15
and inser-
tion of new
sections
15-A and
15-B.

“**15.** *Penalty for subsequent offence under section 3.*—Whoever, having been convicted of an offence punishable under section 3, shall again be convicted of any offence punishable under that section shall be punished,—

(a) for a second offence with imprisonment of either description which may extend to six months, or with a fine which may extend to Rs. 1,000, or with both;

(b) for a third or any subsequent offence, with imprisonment of either description, which may extend to one year, and in the absence of special reasons to the contrary to be recorded in the judgment of the court, shall not be less than one month, together with a fine which may extend to Rs. 1,000.

15-A. *Penalty for subsequent offence under section 4.*—Whoever, having been convicted of an offence punishable under section 4 shall again be convicted of any offence punishable under that section shall be liable for every such subsequent offence to double the amount of punishment to which he would have been liable for the first commission of an offence of the same description.

15-B. *Enhanced punishment for subsequent offence under sections 4-A and 13-A.*—Whoever, having been convicted of an offence punishable under section 4-A or section 13-A, is again convicted of an offence punishable under either of those sections shall,—

(a) for a second offence, be punished with not less than twice the punishment awarded to him on his first conviction; and

(b) for a third or any subsequent offence, be punished with the punishment specified in clause (a):

Provided that the punishment under clause (b) shall not be less than imprisonment of either description for six months.”

Insertion of
new section
18.

9. After section 17 of the principal Act, the following new section shall be deemed to be inserted, namely:—

Repeal and
savings.

“18. *Exemption of games of mere skill.*—Nothing in this Act shall apply to any game of mere skill wherever played.”

10. The Public Gambling (Punjab Amendment) Act, 1929, and the Public Gambling (Punjab Amendment) Act, 1960, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 are hereby repealed:

10 of 1929

9 of 1960

31 of 1966

Provided that the repeal shall not affect,—

- (a) the previous operation of the Acts so repealed or anything duly done or suffered thereunder, or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the Acts, so repealed, or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Acts so repealed, or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the provisions of the proviso to sub-section (1) anything done or any action taken under the Acts repealed by sub-section (1) shall, in so far as it is not inconsistent therewith, be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the principal Act as so amended.

Simla-2, the 4th August, 1976

No. LLR-D(6) 25/76.—The Code of Criminal Procedure (Himachal Pradesh Amendment) Ordinance, 1976 (Ordinance No. 6 of 1976) promulgated by the Governor, Himachal Pradesh, under clause (1) of Article 213 of the Constitution of India on the 29th July, 1976, is hereby published in the Rajpatra, Himachal Pradesh, for the information of general public.

M. C. PADAM,
Under Secretary (Judicial).

Ordinance No. 6 of 1976.

**THE CODE OF CRIMINAL PROCEDURE (HIMACHAL
PRADESH AMENDMENT) ORDINANCE, 1976**

*Promulgated by the Governor of Himachal Pradesh in the Twenty-seventh
Year of the Republic of India.*

*An Ordinance to amend the Code of Criminal Procedure, 1973 (Act No.
2 of 1974) in its application to the State of Himachal Pradesh.*

Whereas the Legislative Assembly of Himachal Pradesh is not in session and the Governor of Himachal Pradesh is satisfied that the circumstances exist which render necessary for him to take immediate action;

And whereas instructions of the President of India to promulgate the Ordinance have been obtained;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Himachal Pradesh is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Code of Criminal Procedure (Himachal Pradesh Amendment) Ordinance, 1976.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. In sub-section (1) of section 13 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), in its application to the State of Himachal Pradesh, for the words "in any district" the words "in any local area" shall be substituted.

Amendment
of section
13.

S. CHAKRAVARTI,
Governor.

SIMLA:
The 29th July, 1976.

T. R. HANDA,
Secretary (Law).

